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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,601	01/16/2004	Kyle Jeffrey Charlet	SVL920030101US1	8692
45112	7590	06/30/2006	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			BLACK, LINH	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,601

Applicant(s)

CHARLET ET AL.

Examiner

LINH BLACK

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/16/04, 12/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the documents dated 1/16/04. Claims 1-20 are pending in the application. Claims 1, 13 and 18 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Call (US 20020143521).

As per claim 1, Call teaches a hierarchical database with XML documents – pars. 0011, 0017, 0055, 070-0073; a metadata schema ... of the hierarchical database and ... of the hierarchical structure of XML documents – pars. 0066-0067, 0073-0074, 0115; database field name – pars. 0108, 0207; XML element name that maps to the database name – pars. 0011, 0044-0046, 0073, 0108, 0372, 0375; passing/transferring data between an XML document and the database using the schema – pars. 0108, 0351-0352, 0034-0036; 0067-0068.

As per claim 2, Call teaches XML elements organized according to the metadata schema – pars. 0034, 0044, 0067, 0070, 0117; matching...- pars. 0078, 0089, 0102, 0128, 0297-0298; storing content data...- pars. 0072, 0075, 0108.

As per claim 3, Call teaches storing a sub-tree of the XML document...and XML root element and one or more XML descendent elements – pars. 0018, 0023, 0070, 0091.

As per claims 8-9, Call teaches receiving a key that uniquely identifies the XML documents – pars. 0253, 0297-0298; locating a first database...identified by the key – pars. 0054, 0253, 0297-0298, 0305; retrieval of XML document – pars. 0072-074, 0265 ; root and subtrees – pars. 0018, 0023, 0070, 0091.

As per claims 10-11, Call teaches XML data type identifier that maps to the database field type identifier; XML schema, – pars. 0038-0047, 0067, 0070-0073, 0115.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (US 20020143521), and further in view of Pic et al. (US 6988093).

As per claim 4, Call teaches databases – par. 0265; XML documents and schemas – pars. 0067-0068, 0072; storing XML documents into hierarchical database - pars. 0072, 0075, 0108. However, Call does not explicitly disclose break point in the XML document. Pic et al. teach process for indexing, storage and comparison of multimedia documents – the title; segmenting the original multimedia document into components that are more elementary including XML descriptions – col. 18, lines 1-8; each node represents a characteristic which can be considered as being elementary at the corresponding level of breakdown in the hierarchy – col. 3, lines 19-62; col. 7, line 60 to col. 8, line 20. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Call's and Pic's teachings to better manage databases because each can represent a different characteristic/category of data thus, facilitating information searching and retrieval.

As per claim 5, Call teaches examining each XML document ... - pars. 0031, 0046-0047, 0068, 0089, 0130; storing an index value from an XML element ... - pars. 0213, 0235, 0238-0239; generating a secondary index... - pars. 0089, 0130, 0361.

As per claim 6, Call teaches receiving a query for the XML document – pars. 0069, 0071; storing an index value... - pars. 0021, 0031, 0213; matching ... - pars. 0076, 0089, 0102, 0128, 0195; generating an XML element..., and assembling the XML elements

into the XML document – pars. 0076, 0265, 0300, 0323-0324. However, Pic et al. further improve Call's teaching of assembling for retrieval at col. 9, line 23 to col. 10 line 29. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Call's and Pic's teachings to allow XML data portions stored on different nodes be combined and retrieved faster with the set of meta identifiers.

As per claim 7, Call teaches retrieving a sub-tree of the XML document ... - pars. 0018, 0023, 0070, 0091; root table and array – pars. 0089, 0091, 0375.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Call (US 20020143521), Pic et al. (US 6988093), and further in view of Fogarasi et al. (US 6128619).

As per claim 12, Call and Pic et al. do not teach Information Management System Database. However, Forgarasi et al. teach methods for accessing hierarchical databases – the title; data are in XML forms/pages – col. 5, lines 32-39; IMS database is well known in the art – col. 3, last paragraph. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Call's, Pic's and Forgarasi et al.'s teachings in order to utilize the available database.

Claims 13-20 claims similar subject matter as of claims 1-12 and are rejected based on the same ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

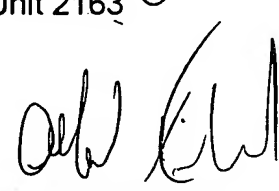
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2163



June 24, 2006



ALFORD KINDRED
PRIMARY EXAMINER